



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,613	09/26/2003	Gerd Dannhardt	104035.269169	3699
826	7590	02/07/2007	EXAMINER	
ALSTON & BIRD LLP			COPPINS, JANET L	
BANK OF AMERICA PLAZA				
101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	
CHARLOTTE, NC 28280-4000			PAPER NUMBER	
			1626	
			MAIL DATE	
			DELIVERY MODE	
			02/07/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

**SUPPLEMENTAL
Notice of Allowability**

Application No.

10/672,613

Examiner

Janet L. Coppins

Applicant(s)

DANNHARDT ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' After Final of July 7, 2006.
2. ☒ The allowed claim(s) is/are 1-3,5-7,12-15,22,24-30,32 and 34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 1-3, 5-7, 12-15, 22, 24-30, 32, and 34 previously allowed in the Notice of Allowance of October 4, 2006.
2. It has come to the Examiner's attention that the dependency of the allowed claims was incorrect, since original claims 12 and 13 both depend from a subsequent claim, original claim 27. Therefore, the allowed claims have been renumbered in order to correct the dependency. The claims are renumbered as follows: original claims 1-3 remain numbered the same, claims 5-7 are now 4-6, original claims 12-15 are now 8-11, original claim 22 is now claim 18, original claims 24-18 are now 12, 13, 14, 7, 15, 16, 17, original claim 32 is now claim 19, and original claim 34 is now claim 20.

SUPPLEMENTAL REASONS FOR ALLOWANCE

3. Claims 1-3, 5-7, 12-15, 22, 24-30, 32, and 34 were previously allowed in the NOA of October 4, 2006. The claims remain allowable, as newly renumbered claims 1-3, 4-6, 8-11, 18, 12-14, 7, 15-17, 19, and 20. The following is an examiner's statement of reasons for allowance:

This invention relates to novel 2-mercapto-4,5-diaryl-imidazole derivatives, their pharmaceutical compositions, and their methods of use. The allowable compounds are limited to compounds according to formula I of claim 1. Certain diaryl-imidazole compounds are known in the art as having the ability to inhibit the activity of cyclooxygenase, however the aspect of preparing the instant claimed 2-mercapto-4,5-diaryl-imidazole derivatives, with COX-1 and COX-2 inhibitory activity, is novel and unobvious. The instant compounds were tested for selective inhibition of COX-1 (please refer to inhibitory results, IC₅₀ values, etc. found in Tables 1-17 of the specification), which makes them useful as anti-inflammatory and

Art Unit: 1626

immunomodulatory agents. After a thorough search, the closest of prior art, U.S. Pat. No. 4,355,039 to Niedballa, et al. was found to teach similar diaryl-imidazole derivatives as anti-inflammatories. However the '039 patent fails to teach or render obvious the instant claimed compounds according to formula (I), and does not fairly suggest methods of using the instant claimed compounds as COX inhibitors for treating inflammation, etc.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Joseph McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

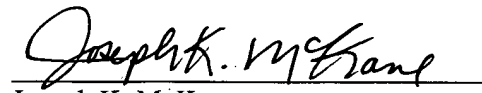
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/672,613

Page 4

Art Unit: 1626

Janet L. Coppins
February 6, 2007

A handwritten signature in black ink, reading "Joseph K. McKane", written over a horizontal line.

Joseph K. McKane
SPE, Art Unit 1626